

**LYDIA and H. W. JOHNSON, sr., prisoners, Appellants, Us. THE
REPUBLIC OF LIBERIA, Appellee.**

LRSC 5; 1 LLR 60 (1872) (1 January 1872)

[January Term, A. D. 1872.]

Appeal from the Court of Quarter Sessions and Common Pleas, Montserrado County.

A motion in arrest of judgment which does not set forth the grounds upon which it was founded, is bad.

1. The appellants in this case appear from the record to have been charged and convicted of high misdemeanor in the Court of Pleas and Quarter Sessions, Montserrado County, at the December term, 1871, extended by law. The appellants motioned the court to set aside the verdict of the jury; the record does not show upon what grounds the motion was made, or upon what points the ruling of the court below was based. It simply states that the objection was overruled.

2. Then the appellants motioned in arrest of judgment, and here also the grounds are not stated. The court overruled the motion because the exceptions should have been made before they, the prisoners, plead to the indictment, and based its ruling on Liberian Statutes, page 30, latter part of sec. 20.

3. The appellants excepted to the ruling of the court in refusing to allow one H. W. Johnson, Jr., to depose to a certain conversation which he the witness, had with E. J. Roye. In regard to the first exception, the court is of the opinion that the verdict of the jury is in accordance with the evidence and the law in the case, and the ruling of the lower court is correct. The court is also of the opinion that the court below, as is manifest from the record, ruled correctly in refusing to arrest judgment; but the law references cited by the court in its ruling are certainly inapplicable, and the opinion that the exception should have been made before the prisoners plead to the indictment, is also erroneous. As to the third point, the court below was correct in not allowing the witness to depose to a declaration which Roye is said to have made in his (Roye's) favor; such a declaration could be admitted against him, but not in his favor. Here, also, the law references of the court below are inapplicable.

The court is further of the opinion that if on reviewing the record of the case it should find that the appellants had not been guilty in law of the offense charged against them, then the court would be warranted in arresting the judgment, even if no motion had been made in the lower court. But the facts stated in the case and upon which issue is joined, are supported by the law and the evidence. The court below, having refused to arrest judgment, should have proceeded to pronounce judgment. It only remains for this court to remand the case to the court below, that final judgment may be rendered on the verdict of the jury.

The court adjudges that this case is remanded, and the court below is hereby commanded to render judgment on the verdict of the jury.